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March 16, 2017

By ECFS

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **Blue Jay Wireless, LLC Eligible Telecommunications Carrier and Lifeline
Broadband Provider Requests; WC Docket Nos. 09-197, 11-42**

Dear Ms. Dortch:

Blue Jay Wireless, LLC (Blue Jay or the Company) by and through the undersigned counsel, hereby submits this letter regarding Blue Jay's petitions for designation as an Eligible Telecommunications Carrier (ETC) in ten of the federal jurisdiction states¹ and Lifeline Broadband Provider (LBP) designation² that are currently pending before the Commission. Specifically, this letter is intended to:

1. Request that the Wireline Competition Bureau (Bureau) delineate a path forward for Blue Jay to offer Lifeline broadband services by granting Blue Jay's ETC Petition, as modified by this letter, expeditiously, and no later than April 3, 2017 (which is the

¹ See Blue Jay Wireless, LLC Petition for Limited Designation as an Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee and Virginia, WC Docket No. 09-197 (filed May 21, 2012) (ETC Petition).

² See Blue Jay Wireless, LLC Petition for Streamlined Designation as a Lifeline Broadband Provider Eligible Telecommunications Carrier, WC Docket No. 09-197 (filed Oct. 3, 2016) (LBP Petition).

Marlene Dortch
March 16, 2017
Page Two

deadline for the Bureau to act on Blue Jay's LBP Petition pursuant to the procedures set forth in the Lifeline Modernization Order);³

2. Reconcile the states and service areas in the ETC Petition and LBP Petition where Blue Jay seeks authority to provide Lifeline broadband services (including removal of federally recognized Tribal lands from both requests);
3. Clarify the proposed Lifeline service plans for which Blue Jay seeks approval from the Commission; and
4. Assure the Commission of Blue Jay's ongoing commitment to comply with all applicable Lifeline program rules and orders.

Company Background

Blue Jay is a well-established provider of Lifeline services and is a mission-driven, socially conscious technology distributor. Its mission is to distribute technology to improve lives while empowering individuals to serve society. Blue Jay achieves its mission by creating a unique system to embed its philosophy through its entire organization and its customers. The Company views the Lifeline program as a platform that enables it to distribute life altering technology to those most in need, while at the same time disrupting the traditional wireless reseller model and providing more value to its customers. Blue Jay's objective is to create a system that enables customers to earn their way into additional data and "graduate" from Lifeline service—providing Lifeline as a hand up, rather than a hand out.

Blue Jay has developed a technology distribution platform designed to disrupt the traditional wireless reseller model and provide more value to consumers than traditional wireless resale offerings. Blue Jay has established relationships with two types of mobile application partners to deliver a portfolio of apps that advance its mission. The first type of mobile application partner provides a service that enables customers to earn additional value (e.g., additional voice minutes and data) through a variety of company-specific applications.

The second type of mobile application partner provides a social benefit to our customers, including telehealth services, job applications, and education and training resources. The Blue

³ See *Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42, Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38, ¶ 281 (rel. Apr. 27, 2016) (Lifeline Modernization Order) (establishing that "the Bureau shall act on [LBP petitions that do not meet the criteria for streamlined processing] within six months of the submission of a completed filing").

Alternatively, Blue Jay requests approval of its LBP Petition by the Bureau, including a designation that is limited to the ten federal ETC jurisdictions identified in its ETC Petition, as well as Maine, no later than April 3, 2017.

Marlene Dortch
March 16, 2017
Page Three

Jay mobile app ecosystem enables customers to earn additional value while achieving its social mission to help customers receive vital access to healthcare, jobs, education, program needs and other social services.

Not only does Blue Jay provide tremendous value to its customers, it also strives to give back to the community through a variety of initiatives. For example, Blue Jay has hired over 100 U.S. Veterans to date from all branches of the military. Moreover, beginning in 2014, through the Samaritan Inn, a Dallas-area homeless shelter, Blue Jay has provided employment opportunities to qualified residents of the Inn's homeless program. In addition, through its #GiveADay initiative, each employee at Blue Jay as a goal to give one out of every ten working days back to the community in volunteer service. On a monthly basis, Blue Jay employees contribute over 3,000 hours of volunteer service to their communities.⁴

Blue Jay's Pending Petitions and Request for Immediate Action

Blue Jay's ETC Petition, originally filed in May 2012, has been pending before the Commission for nearly five years. In the interim, the Bureau approved Blue Jay's Compliance Plan in December 2012,⁵ which allowed the Company to obtain ETC designations and begin offering Lifeline service in 17 states.⁶ Additionally, pursuant to the procedures set forth in the Lifeline Modernization Order, Blue Jay filed its LBP Petition on October 3, 2016.

Blue Jay respectfully requests that, because the deadline to act on Blue Jay's LBP Petition is rapidly approaching, the Bureau allow the Company to begin offering Lifeline voice and broadband services in at least part of the requested service territory by granting its ETC Petition, as modified by this letter, as soon as possible, but no later than April 3, 2017. Granting Blue Jay this authority in the states identified below that do not designate wireless ETCs is clearly within the Commission's authority and would allow Blue Jay to significantly expand its service footprint, enabling it to compete for Lifeline eligible subscribers who reside in the federal ETC jurisdictions.

⁴ Examples of Blue Jay's community service efforts can be found at www.bluejaywireless.com/videos.

⁵ See *Wireline Competition Bureau Approves the Compliance Plans of Airvoice Wireless, Amerimex Communications, Blue Jay Wireless, Millennium 2000, Nexus Communications, PlatinumTel Communications, Sage Telecom, Telrite and Telscape Communications*, WC Docket Nos. 09-197, 11-42, Public Notice, DA 12-2063 (rel. Dec. 26, 2012).

⁶ Blue Jay also has pending individual requests for ETC designation in four states, in addition to the ten jurisdictions named in its ETC Petition.

Marlene Dortch
March 16, 2017
Page Four

Requested Service Areas in Blue Jay's ETC Petition and LBP Petition

Blue Jay's ETC Petition requests authority to provide Lifeline services in the following jurisdictions: Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee and Virginia. Each of these jurisdictions has provided an affirmative statement to the Commission that it does not assert authority over wireless resellers for the purpose of Lifeline-only ETC designation. In its LBP Petition, Blue Jay requested authority to provide Lifeline broadband services in 49 states – including the ten federal ETC jurisdictions named in the ETC Petition – as well as the District of Columbia and Puerto Rico. Blue Jay included as an attachment to the LBP Petition a list of zip codes it can serve in each of those jurisdictions pursuant to its agreements with its underlying service providers. To reconcile any potential discrepancies between the service areas identified in the ETC Petition and the LBP Petition, Blue Jay hereby clarifies that it is seeking ETC designation in the ten federal ETC jurisdictions named in its ETC petition, as well as Maine, with the specific service areas defined by the list of zip codes that was provided with the LBP Petition. Additionally, to assuage any potential concerns about infringing on Tribal sovereignty, Blue Jay hereby modifies its requests to exclude all federally recognized Tribal lands within these jurisdictions.⁷ Therefore, it cannot be argued that a copy of Blue Jay's federal ETC petition must be provided to any Tribal authorities pursuant to section 54.202(c) of the Commission's rules. Blue Jay's underlying service provider will be AT&T.

Blue Jay's Proposed Lifeline Service Plans

Blue Jay's ETC Petition and LBP Petition provided a number of voice and broadband Lifeline service plans. To clarify, Blue Jay is now requesting approval of the following plans:

	Plan 1	Plan 2	Plan 3	Plan 4
Data	0	500 MB	500 MB	500 MB
Voice Minutes	500 minutes	250 minutes	500 minutes	Unlimited
Texts	Unlimited	Unlimited	Unlimited	Unlimited
Price to Lifeline Subscribers	Free	Free	\$3.50	\$15.75

⁷ To the extent that any of the zip codes included in this list fall partially in a federally recognized Tribal land, Blue Jay will not serve the residents of federally recognized Tribal lands within those zip codes.

KELLEY DRYE & WARREN LLP

Marlene Dortch
March 16, 2017
Page Five

The Company understands that it must continue to comply with the Commission's minimum service standards for Lifeline-supported voice and broadband services, and in the future, will revise its offerings in a manner that complies with those minimum service standards.⁸

Blue Jay's Commitment to Compliance with the Lifeline Program Rules and Orders

Although the Commission has already granted Blue Jay's Compliance Plan, Blue Jay has been and continues to be committed to complying with all the requirements set forth in the Lifeline rules and orders, including the Lifeline Modernization Order and the rules made effective in December last year. Additionally, in the future, Blue Jay will implement any subsequent rule changes as of their effective date.

* * *

For all the reasons stated herein, Blue Jay respectfully requests that the Bureau grant its ETC Petition, or alternatively, grant its LBP Petition, at least for the eleven federal ETC jurisdictions identified above, as soon as possible, but no later than April 3, 2017.

Respectfully submitted,



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⁸ See Lifeline Modernization Order ¶ 93; 47 C.F.R. §§ 54.408(a)(2), (b)(2)(ii), (c).